

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSE VELASCO,  
Plaintiff,

v.

DAN ELLIOT,  
Defendant.

Case No.18-cv-03191-VKD

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

Plaintiff Jose Velasco filed this action on May 29, 2018. Dkt. No. 1. He did not appear at the September 25, 2018 hearing on defendant Dan Elliot's motion to dismiss. Dkt. No. 26. On November 20, 2018, the Court granted Mr. Elliot's motion to dismiss with leave to amend by December 4, 2018. Dkt. No. 29. Mr. Velasco did not file an amended complaint or a motion for leave to file an amended complaint by the December 4 deadline.

On December 7, 2018, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute. Dkt. No. 30. Mr. Velasco did not file a show cause response by December 14, 2018 as ordered, and he failed to appear at the show cause hearing on December 18, 2018. Dkt. No. 31.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33 (1962). Accordingly, the Court exercises that power and dismisses this action without prejudice for failure to prosecute.


The Clerk of the Court shall close the file.

**IT IS SO ORDERED.**

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Dated: December 18, 2018

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge